

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of:

Phillip Miller

Serial No.: 09/597,917

Filed: June 19, 2000

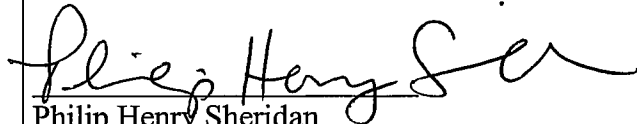
For: MODULAR PORTABLE DATA  
PROCESING TERMINAL FOR  
USE IN A RADIO FREQUENCY  
COMMUNICATION NETWORK

Examiner: Jamara Alzaida Franklin

Group Art Unit: 2876

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via EFS-Web to the United States Patent and Trademark Office on May 9, 2007.

  
Philip Henry Sheridan  
Reg. No. 59,918

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Attached to this electronic submission are the following:

- A completed PTO/SB/08A which has one (1) page.
- A copy of each printed reference listed in the PTO/SB/08A form is attached. Applicants, however, have not submitted U.S. Patents or other references previously provided to or by the PTO in this application. Six (6) references are attached.

**FEE DETERMINATION AND PAYMENT**

No fee is believed to be due because:

- The applicant(s) believe(s) that this statement and attachments are being filed before the first Office action on the merits has been mailed by the PTO. The basis of this belief is that no Office action on the merits appears to have been received by the undersigned to date.

The Commissioner is hereby authorized to charge any fees which are presently required, or credit any overpayment, to Deposit Account No. 13-0017.

#### **REQUEST FOR CONSIDERATION**

This paper and attachments are believed to be entitled to consideration under 37 C.F.R. § 1.97, based on the facts stated above.

The owner of record of the present application, Broadcom Corporation, is currently involved in a patent infringement action with Qualcomm, Inc., Civil Action No. 05-1392, pending in the Southern District of California.

The references being submitted have been either cited, produced or relied upon by Qualcomm thus far during the above-mentioned lawsuit and/or investigation. This submission is in no way intended as an admission that the submitted references constitute prior art under any subsection of 35 U.S.C. §102 or §103. Applicant expressly retains the right to argue that any of the cited references are not indeed prior art or to take any actions necessary to remove any of the cited references from the available prior art.

The Examiner is requested to initial the attached PTO/SB/08A and return one copy to the applicants to indicate consideration of the attached references.

Respectfully submitted,

Date: May 9, 2007

  
Philip Henry Sheridan  
Reg. No. 59,918

McAndrews Held & Malloy, Ltd.  
500 West Madison Street, 34<sup>th</sup> Floor  
Chicago, Illinois 60661  
(T) 312 775 8000  
(F) 312 775 8100

Under the Paperwork Reduction act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	09/597,917
				Filing Date	06/19/2000
				First Named Inventor	Miller
				Group Art Unit	2876
				Examiner Name	Jamara Alzaida Franklin
Attorney Docket Number	14410US01				
Sheet	1	of	1		

U.S. PATENT DOCUMENTS					
Examiner Initial*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	A19	5,142,550	08-25-1992	Tymes	

OTHER ART -- NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published
	C41	Expert Report of Zygmunt J. Haas, Ph.D. Regarding the Invalidity of U.S. Patent 6,714,559, 11/27/2006.
	C42	FAPOJUWO et al., "Message and Packet Access Delays in CSMA-CD Local Area Networks", In Proceedings of the 8th Annual Joint Conference of the IEEE Computer and Communications Societies, INFOCOM'89, "Technology: Emerging or Converging?" pp. 849-857, vol. 3, Call Number: 10.1109/INFOCOM.1989.101535, 04/27/1989.
	C43	FAPOJUWO et al., "Multipacket Message Transmission on CSMA-CD LANs using Limited and Gated Strategies", In Proceedings of the IEEE Pacific Rim Conference on Communications, Computers and Signal Processing, pp. 12-15, Call Number: 10.1109/PACRIM.1989.48294, 06/02/1989.
	C44	FAPOJUWO et al., "Stability Consideration of Buffered CSMA/CD System with Multipacket Messages", ELECTRONICS LETTERS, vol. 25, no. 2, pp. 122-124, 01/29/1989.
	C45	Expert Report of Peter McGuiggan, Regarding the Invalidity of U.S. Patent 6,714,559, 12/18/2006.
	C46	Qualcomm Prior Art list for 6,714,559, 12/13/2006.

EXAMINER SIGNATURE		DATE CONSIDERED	
-----------------------	--	-----------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup>Applicant's unique citation designation number (optional). <sup>2</sup>See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450 Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1800-786-9199) and select option 2.

Rev. Sept. 03

J:\OPEN\phs\Broadcom (1772)\Qualcomm\Litigation Statement & IDS Project\San Diego 05-1392 Litigation Statement & IDS\6,714,559 Collision Detection and Reduction Patents\SB08A Form for 14410US01.doc